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FILED

OCT 07 2014

SECRETARY, BOARD OF
OIL, GAS & MINING

Attorneys for the Division of Oil, Gas and Mining

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Notice of Agency Action to affecting the mining operations of **M. TODD WILHITE, WALL & ROCK, INC.**, and/or **WILHITE & ASSOCIATES, INC.**, by (1) withdrawing a Notice of Intention, (2) forfeiting a Certificate of Deposit No. 7089407881 in the amount of \$7000 plus accrued interest held by **ZIONS BANK**, (3) ordering reclamation of mines, and (4) requesting the Division of Oil, Gas and Mining and the Attorney General to take all other actions necessary to recover costs, fees, and fines for the operations occurring at (a) Gulch Mine (S023/0087) in Juab County; (b) Freedom from War Mine (S/039/0024) in Sanpete County; (c) Mount Pleasant Mine (S/039/0027) in Sanpete County; and (d) Mount Pleasant North Mine (S/039/0030) in Sanpete County.

MOTION TO CONTINUE

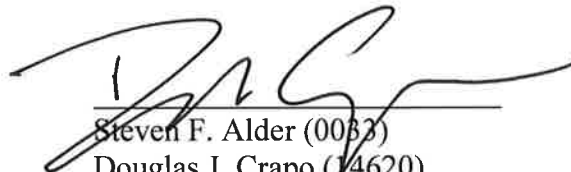
Docket No. 2014-39

Cause Nos. S0230087,
S0390024, S0390027, S0390030.

The Division of Oil, Gas and Mining ("**Division**") respectfully submits this Motion to Continue the hearing on this matter from October 22, 2014 until the regularly scheduled hearing of the Board of Oil, Gas and Mining ("**Board**") on December 10, 2014. The Division, after discussing the matter with counsel for M. Todd Wilhite, can represent that Mr. Wilhite joins it in our motion and supports the continuance. Furthermore, the Division and Mr. Wilhite are undergoing discussions that might resolve the matter without the need of a hearing. No other party will be prejudiced if the hearing were continued. Therefore, good cause exists for continuance.

A proposed order granting the continuance is provided for the Board's convenience.

RESPECTFULLY SUBMITTED this 7th day of October, 2014.



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CERTIFICATE OF MAILING

I certify that I caused a true and correct copy of the above Motion to Continue to be delivered the 8th day of October, 2014, to the following:

by email delivery:

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**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Notice of Agency Action to affecting the mining operations of **M. TODD WILHITE, WALL & ROCK, INC.**, and/or **WILHITE & ASSOCIATES, INC.**, by (1) withdrawing a Notice of Intention, (2) forfeiting a Certificate of Deposit No. 7089407881 in the amount of \$7000 plus accrued interest held by **ZIONS BANK**, (3) ordering reclamation of mines, and (4) requesting the Division of Oil, Gas and Mining and the Attorney General to take all other actions necessary to recover costs, fees, and fines for the operations occurring at (a) Gulch Mine (S023/0087) in Juab County; (b) Freedom from War Mine (S/039/0024) in Sanpete County; (c) Mount Pleasant Mine (S/039/0027) in Sanpete County; and (d) Mount Pleasant North Mine (S/039/0030) in Sanpete County.

**[PROPOSED] ORDER GRANTING
MOTION TO CONTINUE**

Docket No. 2014-39

Cause Nos. S0230087,
S0390024, S0390027, S0390030.

The Board of Oil, Gas and Mining, has considered the Division's Motion to Continue and finds good cause. Therefore, the Board grants the motion continuing the hearing on the matter until the regularly scheduled Board meeting on December 10, 2014. For all purposes, the Chairperson's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ENTERED this ____ day of October, 2014.

BOARD OF OIL, GAS AND MINING

Ruland J Gill, Jr., Chairman